

IN THE DRAWINGS:

Attached hereto are two replacement sheets for Figs. 2 and 3 which appear at page 2 of the drawings.

REMARKS

Applicant has amended claims 1, 3, 6 and 8 and added new claims 9-15 and further amended the drawings. Applicant respectfully submits that these amendments to the claims and drawings are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the drawings and claims as amended.

The Examiner has requested new corrected drawings for Figs. 2 and 3 because certain reference characters are unclear. Submitted herewith are two replacement sheets for Figs. 2 and 3.

The Examiner has rejected claims 1-8 under 35 USC 102 as being anticipated by Frenkel et al., stating that Frenkel et al. discloses each and every element of Applicant's invention as claimed.

In reply thereto, Applicant has carefully reviewed Frenkel et al. and respectfully submits that Frenkel et al. requires that the display device be capable of bathing the patient with light of different colors, intensities and patterns (see col. 4, lines 66 and 67) for the purpose of diagnosis and treatment. In particular, the device of Frenkel et al. is for the purpose of determining what colors reduce the stress of patient and to desensitize the patient to a color which causes the patient's stress. In contrast thereto, Applicant's invention as claimed by claim 1 requires a display means which is viewed by the patient, not one which bathes the patient in light. Still further, Applicant respectfully submits that Applicant's invention requires that the color display display gradation shifting colors, particularly shifting from one preselected to another preselected color repeatedly while changing the colors until an optimum color therapy program of the correct colors and gradation shift is determined. Applicant respectfully submits that these elements of claim 1 are not shown by Frenkel et al. Still further, the method of claim 6 which uses claim 1 also claims a method which Frenkel et al. not only does not show or suggest, but also is incapable of doing.

Also and as to the newly added claims, Applicant respectfully submits that Frenkel et al. does not disclose providing the optimum color therapy program to the patient for use on the patient's own remotely usable apparatus as is claimed by claims 8 and 11. Also, Applicant respectfully submits that Frenkel et al. teaches nothing about stroboscopic effects as are claimed by Applicant's claims 9 and 14. Finally, Applicant respectfully submits that Frenkel et al. does

not show or suggest anything concerning transmitting the optimum color therapy program to a remotely located device or that such transmission would be done using Internet as is claimed by Applicant's claims 10, 12 and 15.

In view of the above, therefore, Applicant respectfully submits that Frenkel et al. does not disclose each and every element of Applicant's invention as claimed by claims 1-15 and claims 1-15 are not anticipated thereby.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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